

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 24-cv-22523-KMM

KENNY ORTEGA,

Plaintiff,

v.

MIAMI DADE COUNTY and
JOSEPH DIAZ, individually,

Defendants.

DEFENDANT JOSEPH DIAZ' STATUS REPORT

Defendant JOSEPH DIAZ (Officer Diaz), by and through his undersigned attorney, files his Status Report as required by the PAPERLESS ORDER [DE 34] entered by the Court on March 19, 2025, to inform the Court that the criminal case against him in the Circuit Court in and for Miami-Dade County, Florida, Case No.: 2022-CF-000506, remains active and is currently set for Trial on September 2, 2025. Consequently, a continuation of the stay already in place is warranted. *See, e.g., Prosper v. Anthony Martin*, Case No.: 17-cv-20323-ALTONAGA (staying case for 11 months until the State Attorney's Office and the Miami-Dade Police Department had completed their investigations into the incident at issue); *Loving v. Miami-Dade County et al.*, Case No.: 18-cv-21351-MARTINEZ (staying case for 3 years, pending the investigation and prosecution of the defendant).

Thus, given that as of the date of filing this Status Report, Officer Diaz' criminal case is still actively proceeding and involves the very arrest at issue in this case, if the stay is not

extended here, Officer Diaz would be severely prejudiced in his ability to defend himself because anything he says or does in this case can be used against him in the criminal prosecution.

Concurrently with this Status Report, Officer Diaz is filling a Motion to extend the stay, more fully expounding his position as to the stay.

THEREFORE, Office Diaz respectfully requests that this Honorable Court extend the stay in this case until the disposition of the foregoing criminal case against Officer Diaz, for the foregoing reasons.

DATED: May 5, 2025.

Respectfully submitted,

Donet, McMillan & Trontz, P.A.

By: /s/ David M. Trontz

David M. Trontz, Esq.

Florida Bar No.: 948111

[Certificate of Service on next page]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 5, 2025, undersigned counsel electronically filed the foregoing Defendant Joseph Diaz' Status Report with the Clerk of the Court using CM/ECF, which will send a notice of electronic filing (NEF) to all counsel of record registered therein.

Donet, McMillan & Trontz, P.A.

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